

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

THOMAS SAYRES,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:10CV128
(Judge Keeley)

WEXFORD HEALTH SERVICES, INC.,
WARDEN WILLIAM M. FOX, and
JIM RUBENSTEIN,
Commissioner D.O.C.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 12)
AND DISMISSING 42 U.S.C. § 1983 SUIT WITH PREJUDICE

The pro se plaintiff, Thomas Sayres ("Sayres"), filed this action pursuant to 42 U.S.C. § 1983, alleging inadequate medical care at the West Virginia correctional facility where he is incarcerated. Upon a preliminary review and before ordering the defendants to answer, the Honorable James E. Seibert, United States Magistrate Judge, issued a Report and Recommendation ("R&R") on September 20, 2010, concluding that Sayres's complaint failed to state a cause of action against any of the defendants for liability under § 1983. On October 4, 2010, the Court entered an order granting Sayres an extension to December 7, 2010, within which to file any objection to the R&R.

Sayres has not filed any such objection; instead, on November 29, 2010, Sayres filed a letter with the Clerk indicating that he did not intend to proceed with the suit. Accordingly, the Court

ORDER ADOPTING REPORT AND RECOMMENDATION

ADOPTS the R&R (dkt. 12) in its entirety, and **DISMISSES** this action **WITH PREJUDICE**.

It is so **ORDERED**.

The Court directs the Clerk to prepare a separate judgment order and to transmit copies of both orders to the pro se plaintiff via certified mail, return receipt requested.

DATED: March 18, 2011.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE